

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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MOOG INC.,

Plaintiff,

Case No.: 22-cv-187-LJV-JJM

vs.

SKYRYSE, INC. ROBERT ALIN PILKINGTON, MISOOK
KIM, and DOES NOS. 1-50

Defendants.
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**NOTICE OF MOTION TO STAY THE ACTION PENDING RESOLUTION OF
THE USAO’S PARALLEL CRIMINAL INVESTIGATION**

PLEASE TAKE NOTICE THAT, upon the accompanying Motion to Stay the Action Pending Resolution of the USAO’s Parallel Criminal Investigation, Memorandum of Law, and Declaration of Anthony D. Green, together with all exhibits, Defendants Robert Alin Pilkington (“Pilkington”) and Misook Kim (“Kim” and, collectively with Pilkington, the “Individual Defendants”), through their undersigned counsel, Winget Spadafora & Schwartzberg LLP, hereby moves this Court for an Order granting the following relief:

- (1) A stay of this Action pending resolution of the parallel criminal investigation by the U.S. Attorney’s Office for the Central District of California in Los Angeles (“USAO”), with the exception of the Defendants’ fully-briefed Motions to Dismiss for lack of personal jurisdiction or to change venue, and the Individual Defendants’ Motion to Dismiss for failure to state a claim (*see* Dkt. Nos. 47; 48; and 131); or, alternatively,
- (2) A stay of the Individual Defendants’ discovery obligations in this Action until forty-five (45) days (at which time the issue of a continuing stay could be revisited) after Plaintiff:

- a. identifies with particularity every alleged trade secret and classified information that Plaintiff intends to assert in this Action including through a narrative response and not solely by invoking Rule 33(d) (as Ordered by the Court on July 22, 2022). Such identification must provide an explanation of why the alleged trade secret or confidential information is properly categorized as such;
- b. as to any allegedly “classified” information at issue, Plaintiff must produce sufficient documents and information to show that:
 - i. the allegedly classified information is, in fact, classified, including any relevant contracts;
 - ii. that there was compliance with the requirements of 32 C.F.R. §§ 2001.1, *et seq.* (including, but not limited to, 32 C.F.R. §§ 2001.22; 2001.23; and 2001.41) and any other applicable laws, regulations and contractual requirements concerning any allegedly classified information; and
- c. produces all communications with, and all information and documents provided to, any governmental entity and any person acting on their behalf concerning the Individual Defendants, regardless of whether such communication or provision of information was voluntary, compelled by subpoena or otherwise.

In accordance with Local Rule 7(a)(1), the Individual Defendants reserve the right to file and serve reply papers. The Individual Defendants respectfully request that the hearing on this Motion take place during the conference already scheduled on September 12, 2022, or at the

Court's earliest convenience, and that any opposition brief be due on August 17, 2022 and the Individual Defendants' reply brief be due on August 24, 2022.

Dated: New York, New York
August 3, 2022

**WINGET, SPADAFORA &
SCHWARTZBERG, LLP**

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